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7590 06/30/2005			EXAMINER	
Joseph M Guiliano			SHANG, ANNAN Q	
Fish & Neave II	P Group Roper & Gray Ll	LP		
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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/410,853	ALTEN ET AL.				
Office Action Summary	Examiner ·	Art Unit				
	Annan Q. Shang	2617				
The MAILING DATE of this communication apperiod for Reply	pears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a rep If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be timely within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
Status	t					
1) Responsive to communication(s) filed on 14 J	Responsive to communication(s) filed on <u>14 January 2005</u> .					
2a)⊠ This action is FINAL . 2b)☐ This	·					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	•					
4) ⊠ Claim(s) <u>1,2,4-7,9,13-15,17-20,22,26-28,30-3</u> 4a) Of the above claim(s) is/are withdra 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) <u>1,2,4-7,9,13-15,17-20,22,26-28,30-3</u> 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/o	wn from consideration. 3,35 and 39-51 is/are rejected.	he application.				
Application Papers						
9)☐ The specification is objected to by the Examine	er.					
10)☐ The drawing(s) filed on is/are: a)☐ acc	☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E						
Priority under 35 U.S.C. § 119	·					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureat* See the attached detailed Office action for a list	ts have been received. ts have been received in Applicati prity documents have been receive nu (PCT Rule 17.2(a)).	on No ed in this National Stage				
Attachment(s)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
 Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 	Paper No(s)/Mail Da) Notice of Informal P 6) Other:	ate · Patent Application (PTO-152)				

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 01/14/05 have been fully considered but they are not persuasive.

With respect to claims 1, 4, 5, 9, 13, 14, 17, 18, 2, 26, 27, 30, 31, 35, 39, 40, 42, 43, 46 and 47, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Young et al (4,706,121)** in view of **Richards et al (5,179,654)**, applicant discusses what Young and Richard teach and states that, "there is no motivation to incorporate Richards help interface into Young's system because Young does not provide alternative or related help information. Moreover, Richards fails to show or suggest providing alternative or related help information to users of a TV schedule system such as Young's. In addition, Richard fails to show or suggest providing help information that depends on the state of an electronic television program guide..."

In response, Examiner disagrees. As discussed in the office action which is repeated below, Young teaches receiving a user input, via Remote Receiver (RR) 118 or 190 receives via Remote Control Transmitters (RC) 116 or 118, where a user selects a key PG 224 "help information key" on RC 116 or 118 to receive help information for the television program guide 'EPG' or television Menu (col. 9, line 54 and col. 12, lines 30-44) that explains to the user how the electronic television program guide operates, displaying the help information at the bottom of the screen of Television Receiver (TV) 126 or 200. Young fails to explicitly teach where the help information provided depends on the state of the guide at which the user enters the input. In the same field of

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endeavor, i.e., a menu display interface for a user, Richard teaches a Menu system for a user interface that provides help information on the current state of the Menu system as clearly discloses in the abstract and the specification. Examiner upholds that it would have been obvious for one of ordinary skill in the art to modify Young's television guide or menu help information with Richards menu system that provides help information depending one the state of the menu at which the user enters the input, the motivation being to enable the user to receive help information at each interaction with a selected tile or grid of the EPG data. Furthermore it appears applicant's arguments are directed against the references individually. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references, and Examiner upholds that the test for obviousness is not whether the features of a secondary reference may be bodily incorporate into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In this case both reference teach a menu or quide for a user interface. As such the combination is proper. maintained and repeated below as Young in view of Richard meet the claimed limitations of 1, 4, 5, 9, 13, 14, 17, 18, 2, 26, 27, 30, 31, 35, 39, 40, 42, 43, 46 and 47 and their dependent claims.

With respect to claims 48-51 rejected under 35 U.S.C 103(a) as being unpatentable over **Young (4,706,121)** in view of **Palmer et al (6,320,588)**, applicant further argues that there is no motivation to incorporate the menu system of Palmer and

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Young, since "Palmer fails to show or suggest providing additional or sub-topic help information to users of a TV schedule system such as Young's.

In response, Examiner disagrees, since both reference teaches a menu system and for the same reasons discussed above, the combination is proper and maintained and repeated below as Young in view of Palmer meet all the claimed limitations of claims 48-51 and appropriate motivation was given. This office action is made FINAL.

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1, 4, 5, 9, 13, 14, 17, 18, 2, 26, 27, 30, 31, 35, 39, 40, 42, 43, 46 and 47, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Young et al** (4,706,121) in view of **Richards et al** (5,179,654).

As to claim 1, note the **Young** reference figures 1-3, discloses a TV schedule system and process which allows a user selection of broadcast programs from schedule information and further discloses a method for providing help information that explains to a user of an electronic television program guide how the electronic television program guide operates, the method comprises the following:

the claimed "receiving a user input and providing help information that explains to the user how the electronic television program guide operates..." is met by Remote

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Receiver (RR) 118 or 190 (figs. 3-5, col. 7, lines 33-57 and col. 9, line 48-col. 10, line 10), note that RR 118 or 190 receives via Remote Control Transmitters (RC) 116 or 118, user inputs where if the user selects key PG 224 "help information key" on RC 116 or 118, help information (col. 9, line 54 and col. 12, lines 30-44) that explains to the user how the electronic television program guide operates is displayed at the bottom of the screen of Television Receiver (TV) 126 or 200.

Young fails to explicitly teach where the help information provided depends on the state of the guide at which the user enters the input.

However, **Richards et al** reference disclose a menu system that provides help information on the current state of the system, that is, based on the item selected on the menu by a user (figs. 1-4, col. 5, lines 8-25 and lines 46-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Richards into the system of Young to concurrently display help text on each selected tile or grid of the EPG data, and furthermore enable interaction with each selected tiles or grid of the EPG data for additional information, help or instructions relating to the selected tile or grid of the EPG data.

As to claim 4, Young further discloses where RC 116 or 118 generates the user input in response to the user depressing PG 224 "help information key" on RC 116 or 118 (col. 9, line 54 and col. 12, lines 30-44), to displayed help information at the bottom of the screen of TV 126 or 200.

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As to claim 5, Young further discloses displaying a text message (col. 12, lines 30-58), which explains to the user how a portion of the EPG operates.

As to claim 9, Young further discloses where the EPG has a plurality of themes, categories, sub-categories, etc., listing (col. 12, line 55-col. 13, line 40) "operating points" and tracks the various listing, but fails to explicitly teach providing help information based on the current operating point.

However, **Richards** discloses a menu system that provides help information on based current operating point, i.e., the item selected on the menu by (figs. 1-4, col. 5, lines 8-25 and lines 46-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Richards into the system of Young to concurrently display help text on each selected tile or grid of the EPG data, and furthermore enable interaction with each selected tiles or grid of the EPG data for additional information, help or instructions relating to the selected tile or grid of the EPG data.

As to claim 13, Young further discloses storing the help information in memory and retrieving the help information from the memory in response to receiving the user input (col. 7, lines 47-64, col. 8, lines 32-44 and col. 12, lines 64-68).

As to claim 14, note the **Young** reference figures 1-3, discloses a TV schedule system and process which allows a user selection of broadcast programs from schedule information and further discloses a method for providing help information that explains

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to a user of an electronic television program guide how the electronic television program guide operates, the system comprises the following:

the claimed "means for receiving a user input and means for providing help information that explains to the user how the electronic television program guide operates..." is met by Remote Receiver (RR) 118 or 190 (figs. 3-5, col. 7, lines 33-57 and col. 9, line 48-col. 10, line 10), note that RR 118 or 190 receives via Remote Control Transmitters (RC) 116 or 118, user inputs, where if the user selects key PG 224 "help information key" on RC 116 or 118, help information (col. 9, line 54 and col. 12, lines 30-44), that explains to the user how the electronic television program guide operates is displayed at the bottom of the screen of Television Receiver (TV) 126 or 200.

Young fails to explicitly teach where the help information provided depends on the state of the guide at which the user enters the input.

However, Richards et al reference disclose a menu system that provides help information on the current state of the system, that is, based on the item selected on the menu by a user (figs. 1-4, col. 5, lines 8-25 and lines 46-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Richards into the system of Young to concurrently display help text and EPG data or selected grid of the EPG data, and furthermore interact with the EPG data for additional information, help or instructions relating to the selected television program, channel, etc.

Claim 17, is met as previously discussed with respect claim 4.

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Claim 18, is met as previously discussed with respect claim 5.

Claim 22, is met as previously discussed with respect claim 9.

Claim 26, is met as previously discussed with respect claim 13.

As to claim 27, note the **Young** reference figures 1-3, discloses a TV schedule system and process which allows a user selection of broadcast programs from schedule information and further discloses an electronic television program guide system that provides help information for explaining to a user of an electronic television program guide how the electronic television program guide operates, the system comprises the following:

the claimed "a video display generator," is met by Video Display Generator (VDG) 204 (col. 8, lines 48-62);

the claimed "a remote controller," is met by Remote Control Transmitters (RC) 116 or 118 (col. 7, lines 33-57 and col. 9, lines 48-52);

the claimed "a microcontroller," is met by CPU 178 (col. 8, lines 35-62); and electronic television program guide (EPG) executed by CPU 178 and programmed to receiver a user input via Remote Control Transmitters (RC) 116 or 118 and Remote Receiver (RR) 118 or 190 (figs. 3-5, col. 7, lines 33-57 and col. 9, line 48-col. 10, line 10), and provides help information at the bottom of the screen of Television Receiver (TV) 126 or 200 that explains to the user how the EPG operates to the VDG 204 in response to receiving the user input, i.e., when the user presses PG 224 "help information key" on RC 166 or 118.

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Young fails to explicitly teach where the help information provided depends on the state of the guide at which the user enters the input.

However, **Richards et al** reference disclose a menu system that provides help information on the current state of the system, that is, based on the item selected on the menu by a user (figs. 1-4, col. 5, lines 8-25 and lines 46-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Richards into the system of Young to concurrently display help text and EPG data or selected grid of the EPG data, and furthermore interact with the EPG data for additional information, help or instructions relating to the selected television program, channel, etc.

Claim 30, is met as previously discussed with respect claim 4.

Claim 31, is met as previously discussed with respect claim 5.

Claim 35, is met as previously discussed with respect claim 9.

Claim 39, is met as previously discussed with respect claim 13.

As to claim 40, note the **Young** reference figures 1-3, discloses a TV schedule system and process which allows a user selection of broadcast programs from schedule information and further discloses machine-readable media for use with an electronic television program guide, the machine-readable media comprising program logic recorded there for the following:

the claimed "receiving a user input and providing help information that explains to the user how the electronic television program guide operates..." is met by Remote Receiver (RR) 118 or 190 (figs. 3-5, col. 7, lines 33-57 and col. 9, line 48-col. 10, line

10), note that RR 118 or 190 receives via Remote Control Transmitters (RC) 116 or 118, user inputs where if the user selects key PG 224 "help information key" on RC 116 or 118, help information (col. 9, line 54 and col. 12, lines 30-44) that explains to the user how the electronic television program guide operates is displayed at the bottom of the screen of Television Receiver (TV) 126 or 200.

Young fails to explicitly teach where the help information provided depends on the state of the guide at which the user enters the input.

However, **Richards et al** reference disclose a menu system that provides help information on the current state of the system, that is, based on the item selected on the menu by a user (figs. 1-4, col. 5, lines 8-25 and lines 46-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Richards into the system of Young to concurrently display help text and EPG data or selected grid of the EPG data, and furthermore interact with the EPG data for additional information, help or instructions relating to the selected television program, channel, etc.

Claim 42, is met as previously discussed with respect claim 4.

Claim 43, is met as previously discussed with respect claim 5.

Claim 46, is met as previously discussed with respect claim 9.

Claim 47, is met as previously discussed with respect claim 13.

4. Claims 48-51, are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (4,706,121) in view of Palmer et al (6,320,588).

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As to claim 48, note the **Young** reference figures 1-3, discloses a TV schedule system and process which allows a user selection of broadcast programs from schedule information and further discloses a method for providing help information that explains to a user of an electronic television program guide how the electronic television program operates, the method comprises the following:

the claimed "displaying help information..." is met by Television (TV) 126 or 200 (figs. 1-4, col. 8, lines 23-35, col. 9, lines 48-54 and col. 12, lines 30-45), note that Remote Receiver (RR) 118 or 190, receives via Remote Control Transmitters (RC) 116 or 118, user inputs, where if the user selects key PG 224 "help information key" on RC 116 or 118, help information that explains to the user how the electronic television program guide operates is displayed at the bottom of the screen of TV 126 or 200 and when a cursor is place alongside a theme with sub-categories a portion of the EPG, or the sub-category is displayed (col. 12, lines 55-65);

Young fails to explicitly teach querying the user to identify a portion of the EPG for which the user desires help information.

However, note **Palmer et al** reference figs 23-25, disclose a distributed computer system 10, with a plurality of multimedia workstations 12 (fig. 1 and col. 5, lines 25-34) and further disclose a menu system, that displaces various queries to a user, where a user selects to retrieve help information (figs. 23-25, col. 19, lines 31-39, col. 22, line 63-col. 23, line 39).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Palmer into the system of Young to

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provide queries to the user to enable the user to access additional information with respect to the portions of the menu.

As to claim 49, note the **Young** reference figures 1-3, discloses a TV schedule system and process which allows a user selection of broadcast programs from schedule information and further discloses electronic television program guide system that provides help information for explaining to a user of an electronic television program guide how the electronic television program operates, the system comprises the following:

The claimed "means for displaying help information...." is met by Television (TV) 126 or 200 (figs. 1-4, col. 8, lines 23-35, col. 9, lines 48-54 and col. 12, lines 30-45), note that Remote Receiver (RR) 118 or 190, receives via Remote Control Transmitters (RC) 116 or 118, user inputs, where if the user selects key PG 224 "help information key" on RC 116 or 118, help information that explains to the user how the electronic television program guide operates is displayed at the bottom of the screen of TV 126 or 200 and when a cursor is place alongside a theme with sub-categories a portion of the EPG, or the sub-category is displayed (col. 12, lines 55-65);

Young fails to explicitly teach means for querying the user to identify a portion of the EPG for which the user desires help information.

However, note **Palmer et al** reference figs 23-25, disclose a distributed computer system 10, with a plurality of multimedia workstations 12 (fig. 1 and col. 5, lines 25-34) and further disclose a menu system, that displaces various queries to a user, where a

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user selects to retrieve help information (figs. 23-25, col. 19, lines 31-39, col. 22, line 63-col. 23, line 39).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Palmer into the system of Young to provide queries to the user to enable the user to access additional information with respect to the portions of the menu.

As to claim 50, note the **Young** reference figures 1-3, discloses a TV schedule system and process which allows a user selection of broadcast programs from schedule information and further discloses an electronic television program guide system that provides help information for explaining to a user of an electronic television program guide how the electronic television program guide operates, the system comprises the following:

the claimed "a video display generator," is met by Video Display Generator (VDG) 204 (col. 8, lines 48-62);

the claimed "a remote controller," is met by Remote Control Transmitters (RC)

116 or 118 (col. 7, lines 33-57 and col. 9, lines 48-52);

the claimed "a microcontroller," is met by CPU 178 (col. 8, lines 35-62); and electronic television program guide (EPG) executed by CPU 178 and programmed to receiver a user input via Remote Control Transmitters (RC) 116 or 118 and Remote Receiver (RR) 118 or 190 (figs. 3-5, col. 7, lines 33-57 and col. 9, line 48-col. 10, line 10), and provides help information at the bottom of the screen of Television Receiver (TV) 200 that explains to the user how the EPG operates to the VDG 204 in response to

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receiving the user input, i.e., when the user presses PG 224 "help information key" on RC 166 or 118.

Young fails to explicitly querying the user to identify with a remote controller a portion of the EPG for which the user desires help information.

However, note **Palmer et al** reference figs 23-25, disclose a distributed computer system 10, with a plurality of multimedia workstations 12 (fig. 1 and col. 5, lines 25-34) and further disclose a menu system, that displaces various queries to a user, where a user selects to retrieve help information (figs. 23-25, col. 19, lines 31-39, col. 22, line 63-col. 23, line 39).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Palmer into the system of Young to provide queries to the user to enable the user to access additional information with respect to the portions of the menu.

As to claim 51, note the **Young** reference figures 1-3, discloses a TV schedule system and process which allows a user selection of broadcast programs from schedule information and further discloses machine-readable media for use with an electronic television program guide, the machine-readable media comprising logic recorded there for the following:

the claimed "displaying help information..." is met by Television (TV) 126 or 200 (figs. 1-4, col. 8, lines 23-35, col. 9, lines 48-54 and col. 12, lines 30-45), note that Remote Receiver (RR) 118 or 190, receives via Remote Control Transmitters (RC) 116 or 118, user inputs, where if the user selects key PG 224 "help information key" on RC

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116 or 118, help information that explains to the user how the electronic television program guide operates is displayed at the bottom of the screen of TV 126 or 200 and when a cursor is place alongside a theme with sub-categories a portion of the EPG, or the sub-category is displayed (col. 12, lines 55-65);

Young fails to explicitly teach querying the user to identify a portion of the EPG for which the user desires help information.

However, note **Palmer et al** reference figs 23-25, disclose a distributed computer system 10, with a plurality of multimedia workstations 12 (fig. 1 and col. 5, lines 25-34) and further disclose a menu system, that displaces various queries to a user, where a user selects to retrieve help information (figs. 23-25, col. 19, lines 31-39, col. 22, line 63-col. 23, line 39).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Palmer into the system of Young to provide queries to the user to enable the user to access additional information with respect to the portions of the menu.

5. Claims 2, 6, 7, 15, 19, 20, 28, 32, 33, 41, 44 and 45, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Young (4,706,121)** in view of **Richards et al (5,179,654)** as applied to claims 1, 14, 27 and 40 above, and further in view of **Palmer et al (6,320,588)**.

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As to claims 2, 15, 28 and 41, Young as modified by Richards displays a help menu at the bottom of the screen upon receiving a user selection, but fail to explicitly teach displaying a help icon.

However, Palmer teaches displaying a help icon on a menu (fig. 23 and col. 19, lines 31-39).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Palmer into the system of Young as modified by Richards to provide a help icon as a visual mnemonics on the screen for a user-friendly GUI that allows the user to control without having to remember a command or input at a remote control or keyboard.

As to claims 6, 7, 19, 20, 32, 33, 44 and 45, Young as modified by Richards fails to explicitly teach where the help information comprises displaying an instructional video or audio that explains to the user how a portion of the EPG operates.

However, Palmer further teaches a menu system, with audio/visual help instruction, which explains how a portion of the menu operates (figs. 23-25, col. 17, line 64-col. 18, line 2, col. 19, lines 31-39 and col. 22, line 63-col. 23, line 1+), note that the help instruction offers the user three levels comprehensive textual, audio and visual system documentation (col. 23, lines 30-39).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Palmer into the system of Young as modified by Richards to provide help instructional audio and/or video to enhanced the EPG data and furthermore, video instructional help to enable the hearing impaired to

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get help using video help instructions on a display and also audio instructional help, to enable the blind get audio help instructions.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

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Annan Q. Shang.

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